

**Commonwealth of Kentucky**  
**Natural Resources and Environmental Protection Cabinet**  
**Department for Environmental Protection**  
**Division for Air Quality**  
**803 Schenkel Lane**  
**Frankfort, Kentucky 40601**  
**(502) 573-3382**

**AIR QUALITY PERMIT**

**Permittee Name:** Weyerhaeuser Company  
**Mailing Address:** 1500 Commonwealth Drive  
Henderson, Kentucky 42420

is authorized to operate a secondary fiber, non de-ink pulp and container board mill

**Source Name:** Weyerhaeuser Company  
**Mailing Address:** Same as above

**Source Location:** 1500 Commonwealth Drive, Henderson, Kentucky

**Permit Type:** Federally-Enforceable  
**Review Type:** Conditional Major

**Permit Number:** F-01-001  
**Log Number:** 51310  
**Application**  
**Complete Date:** September 25, 2000

**KYEIS ID #:** 21-101-00117  
**SIC Code:** 2631

**Region:** Evansville/Owensboro/Henderson  
**County:** Henderson

**Issuance Date:**  
**Revision Date:**  
**Expiration Date:** Issuance date + 5 years

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**John E. Hornback, Director**  
**Division for Air Quality**

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## **SECTION A - PERMIT AUTHORIZATION**

Pursuant to a duly submitted application which was determined to be complete on September 25, 2000, the Kentucky Division for Air Quality hereby authorizes the *operation* of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto and shall become the final permit unless the U.S. EPA files an objection pursuant to 401 KAR 50:035, Section 21(3)).

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in the 401 KAR 50:035, Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

## **SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

### **01 (01) Saveall Thickener**

**Description:**

De-watering Device to aid in the removal of water from the pulp slurry.

Maximum Capacity: 33.3 Machine Dry Tons of paper/hr

Construction Commenced: January 1995

### **02 (02) Bottom-Ply Section**

**Description:**

Consists of bottom-ply head box (distribution point for pulp slurry) and bottom-ply web section. This equipment forms bottom-ply section of two-ply liner board. The bottom-ply headbox in combination with the top-ply section, press section and dryer section make up the paper machine.

Maximum Capacity: 33.3 Machine Dry Tons of paper/hr

Construction commenced: January 1995

### **03 (03) Top-Ply Section**

**Description:**

Consists of top-ply head box (distribution point for pulp slurry) and top-ply web section. This equipment forms top-ply section of two-ply liner board.

Maximum Capacity: 33.3 Machine Dry Tons of paper/hr

Construction commenced: January 1995

### **04 (04) Press Section**

**Description:**

Consists of two individual presses (Series of Rollers)

Maximum Capacity: 33.3 Machine Dry Tons of paper/hr

Construction commenced: January 1995

### **05 (05) Dryer Section**

**Description:**

Consists of three individual dryer sections (rotary steam drums), which receive steam from the 220 mmbtu/hr boiler, (Em Pt 07).

Maximum Capacity: 33.3 Machine Dry Tons of paper/hr

Construction commenced: January 1995

**06 (06) Flow-through Surge Pond**

**Description:**

65,100 ft<sup>2</sup> Flow-through Surge Pond with six(6) aeration units

Maximum Capacity: 6 million gallons

Construction commenced: January 1995

**APPLICABLE REGULATIONS:**

**401 KAR 63:020**, *Potentially hazardous matter or toxic substances*, applies to the toxic emissions.  
[April 9,1972]

1. **Operating Limitations:** N/A

2. **Emission Limitations:** N/A

[ **Note:** No toxics emission limitations are listed in this permit because toxic emissions are in compliance with regulation 401 KAR 63:020 using the Screen 3 modeling algorithm to calculate emission concentrations. ]

3. **Testing Requirements:** N/A

4. **Specific Monitoring Requirements:**

Weyerhaeuser shall keep the monthly records of the process related chemicals used at the facility and the monthly production rate. Utilizing material safety data sheets, an evaluation will be made of any new process chemicals, prior to their use, to determine if they contain toxic components and the potential for emissions of air toxics. See the note below for guidance on the evaluation. Upon completion of the review as per guidance, the permittee shall investigate the applicability of state and federal regulations to the proposed use of the process chemicals.

[**Note:** Weyerhaeuser shall analyze the air toxics concentrations to see if the emissions are below the EPA, Region 9, Preliminary Remediation Goals (PRGs) for Ambient Air. Modeling can be using current EPA guidelines to calculate concentrations. The PRGs are available at <http://www.epa.gov/region09/waste/sfund/prg/index.htm>.]

5. **Specific Recordkeeping Requirements:**

See the Monitoring Requirements above.

6. **Specific Reporting Requirements:**

As a result of the toxics evaluation specified in 4. Specific Monitoring Requirements, if there are any changes in process chemicals that would result in increase of air toxics subject to state or federal regulations, or if the concentrations exceed the PRGs, then the permittee shall report the results of that evaluation to the Division for prior approval.

7. Specific Control Equipment Operating Conditions: N/A

8. Alternate Operating Scenarios: N/A

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (Continued)****07 (07) One (1) Boiler**

**Description:** Maximum Rated capacity: 220 mmBTU/hr  
Construction Date: January 1995  
Primary fuel: Natural Gas  
Secondary Fuel: Propane

**APPLICABLE REGULATIONS:**

**401 KAR 59:015**, *New indirect fired heat exchangers*, applies to the particulate matter and sulfur dioxide emissions from the combustion of natural gas.

**401 KAR 60:005**, *New Source Performance Standards (40 CFR 60.40b to 60.49b, Subpart Db, Standards of performance for industrial-commercial-institutional steam generating units)* is applicable to the boiler.

**1. Operating Limitations:**

The usage of propane shall not exceed 10% of the year or 876 hours and 2,117,802 gal/yr.

**Compliance Demonstration Method:**

Compliance shall be based on a twelve (12) month rolling total. Monthly records of propane usage shall be kept available at the plant.

**2. Emission Limitations:**

- a. Pursuant to 401 KAR 59:015, Section 4(1)(c), emissions of particulate matter from the combustion of natural gas shall not exceed 0.270 lb/mmBTU.
- b. Pursuant to 401 KAR 59:015, Section 4(2), the opacity of visible emissions from the combustion of either natural gas or fuel oil shall not exceed 20%.
- c. Pursuant to 401 KAR 59:015, Section 5(1)(c)1, emissions of sulfur dioxide from the combustion of either natural gas or fuel oil shall not exceed 0.843 lb/mmBTU.
- d. Pursuant to 40 CFR 60.44b(a), emissions of Nitrogen Oxides (expressed as NO<sub>2</sub>) from the combustion of natural gas shall not exceed 0.1 lb/mmBTU.

**Compliance Demonstration Method:**

- i. Particulate Matter and Sulfur Dioxide Emissions:

Emission Rate in                      =                      [(Total Monthly gas or fuel oil consumption rate x lb/mmBTU  
Emission factor listed in Kentucky Emissions Inventory) /  
(Total Hours of operation per month x Total Hourly Rated  
Capacity)]

- ii. The opacity of visible emissions will always be in compliance with the limit of 20% as long as the

- permittee burns natural gas as primary fuel and propane as secondary fuel.
- iii. To determine compliance with the emission limits for nitrogen oxides required above, the permittee shall install, calibrate, maintain and operate a continuous monitoring system (CEM) for measuring nitrogen oxides emissions discharged to the atmosphere and record the output of the system [40 CFR 60.48b(b)]. The Division has approved Predictive Emissions Monitoring System (PEMS) as a alternate for CEM for Weyerhaeuser. The permittee shall install, calibrate, maintain and operate PEMS for measuring nitrogen oxides emissions discharged to the atmosphere and record the output of the system [40 CFR 60.48b(b)]. Also, see 3. Testing Requirements (b)(i) and b(ii) and 4. Specific Monitoring requirements below.

**3. Testing Requirements:**

- a. Pursuant to 401 KAR 59:005, Section 2(2) and 401 KAR 50:045, Section 1, performance testing using the Reference Methods specified in Regulation 401 KAR 50:015 shall be conducted as required by the Division.
- b. According to 40 CFR 60.46b(e), to determine compliance with the emission limits for nitrogen oxides required under 40 CFR 60.44b, the permittee shall conduct the performance test as required under 40 CFR 60.8 using a CEM for monitoring NO<sub>2</sub>.
- i. Initial Compliance Test: For Initial compliance test, nitrogen oxides from the steam generating unit are monitored for 30 successive steam generating unit operating days and 30-day average emission rate is used to determine the compliance with the nitrogen oxides emission standards under 40 CFR 60.44b. The 30-day average emission rate is calculated as the average of all hourly emissions data recorded by the monitoring system during the 30-day test period. The Permittee ('Weyerhaeuser') has proposed to use the PEMS as a alternative method for demonstrating the initial compliance. U.S. EPA, Region 4 has approved this request (September 25, 2000). The permittee had performed the initial compliance test (11/10/98 – 12/15/98) using PEMS and the test is approved by the U.S. EPA and the Division. The affected facility is in compliance with the nitrogen oxides emission limit during Initial Compliance Test.
- ii. Compliance with Nitrogen Oxides standard under 40 CFR 60.44b (40 CFR 60.46b(e)(4)): The permittee shall upon request determine compliance with the nitrogen oxides standards under 40 CFR 60.44b through the use of a 30-day performance test. ***During periods when performance tests are not requested, nitrogen oxides emissions data collected pursuant to 40 CFR 60.48b(g)(2) are used to calculate a 30-day rolling average emission rate on a daily basis and used to prepare excess emission reports, but will not be used to determine compliance with the nitrogen oxides emission standards.*** A new 30-day rolling average emission rate is calculated each steam generating unit operating day as the average of all of the hourly nitrogen oxides emission data for the preceding 30 steam generating unit operating days. 40 CFR 60.48b(g)(2): The permittee shall monitor steam generating unit operating conditions and predict nitrogen oxides emission rates as specified in a plan submitted pursuant to 40 CFR 60.49b(c), compliance with nitrogen oxides standard of 60.44b through monitoring of steam generating unit operating conditions.
- c. A RATA for PEMS shall be performed, at least, once within the life of the air quality permit. A testing protocol shall be submitted one month in advance and be approved by the Division.



**4. Specific Monitoring Requirements:**

Compliance with particulate and sulfur dioxide emissions:

The permittee shall monitor and maintain records of the following information:

- a. The total monthly fuel usage rate (cubic feet/month or gallons per month)
- b. The total monthly hours of operation (hours operated per month) of the boilers.
- c. The sulfur content of each type of fuel burned. The sulfur content may be determined by fuel sampling and analysis or by fuel supplier certification.

Compliance with nitrogen oxides emissions:

- d. The permittee shall calculate the predicted average hourly nitrogen oxides emission rates (expressed as NO<sub>2</sub>) (lb/million Btu heat input).
- e. The permittee shall calculate a 30-day rolling average NO<sub>x</sub> emission rate on a daily basis (keep record of the calendar date) at the end of steam generating unit operating day and prepare excess emission report.
- f. During all periods of operation of the affected facility, the five process variables used by the PEMS model, namely, 1.) fuel flow, 2.) oxygen content, 3.) air flow, 4.) boiler inlet temperature, and 5.) boiler outlet temperature shall be monitored on hourly basis. The permittee shall maintain the type and format of the records of these operating condition (40 CFR 60.49b(c)(3)).
- g. The following quality assurance procedures shall be employed by the permittee to ensure that the data generated by monitoring these operating conditions will be representative and accurate:
  - i. The “heartbeat” program shall be used to exchange data between DCS and PEMS. A log shall be maintained of the records of break in communication or the “stopping of heartbeat”. An alarm should be sent to the operator of this incident.
  - ii. The integrity of the emission model shall be checked every day at midnight. The PEMS shall be sent a set of known inputs for the process variables. The predicted output is compared automatically to the expected output. The difference between the expected output and the actual output should be within +/- 5%. A log shall be maintained of the times when the difference is more than +/- 5%.
  - iii. The sensor validation model shall perform automatic drift determinations. Every sensor input or process variable to the PEMS model shall be evaluated before it is allowed to be used in the PEMS emission model. An alarm shall sound whenever there is a excessive sensor drift or failure is detected or the sensor pattern is not recognized, as would be the case of the case of the improperly operated boiler. A log shall be maintained of the times when there is a alarm, the reason for it and the corrective actions taken.
  - iv. The PEMS model shall be tuned and a RATA performed if any of the process variables change their relationship to each other. See Testing Requirements above.

Other Monitoring Requirements:

- h. The annual usage of Propane shall be monitored.

**5. Specific Record keeping Requirements:**

See Specific Monitoring Requirements above.

**6. Specific Reporting Requirements:**

- a. A written report of excess NOx emissions, as described below, will be submitted to the Division each calendar quarter within a month following the end of the quarter. The reports shall have the following information:
- The magnitude of excess emissions over 0.1 lb/mmBTU when firing natural gas (See 40 CFR 60.41b, Definition of Natural Gas) computed from three-hour rolling averages.  
Note: Data recorded during periods of system breakdowns, repairs, adjustments, and calibration checks shall not be included in any of the above data averages.
  - The date and time of commencement and completion of each time period of excess emissions.
  - The nature and cause of the excess emissions and the corrective action taken or preventive measures adopted.
  - The date and time identifying each period during which the process variables (fuel flow, oxygen content, air flow, boiler inlet temperature, and boiler outlet temperature) were outside the range specified below if any:

Process Variable	Minimum	Maximum
Fuel Flow (SCFM)	200	3,258
Oxygen Content (%)	1.8	10.0
Air Flow (SCFM)	14,835	36,562
Inlet Temperature (deg F)	105	147
Outlet Temperature (deg F)	258	395

- The date and time identifying each period during which the NOx monitoring system was inoperative (except for zero and span checks) and the nature of the system repairs or the adjustments.
- Equations used to convert NOx emission data as monitored to the required reporting standard (lb/mmBTU) shall be included in the report.
- Equations used in PEMS model to convert the PEMS process variables to NOx emission data.

**7. Specific Control Equipment Operating Conditions: None****8. Alternate Operating Scenarios: None**

## SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to Regulation 401 KAR 50:035, Section 5(4). While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

<u>Description</u>	<u>Generally Applicable Regulation</u>
1. Hydrapulper	401 KAR 59:010

## **SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS**

See individual emission point listing under Section B for specific requirements. The source wide emissions of Nitrogen Oxide (NOx) are limited to 96.36 TPY to stay below the major source threshold of 100 TPY.

The permittee shall calculate the annual NOx emission rate on a monthly basis (keep record of the calendar months) at the end of each calendar month and prepare NOx emission report. This shall be used to comply with the source wide NOx emission limit.

## **SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS**

See individual emission point listing under Section B for specific requirements. Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

## **SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS**

1. When continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
  - a. Date, place as defined in this permit, and time of sampling or measurements.
  - b. Analyses performance dates;
  - c. Company or entity that performed analyses;
  - d. Analytical techniques or methods used;
  - e. Analyses results; and
  - f. Operating conditions during time of sampling or measurement;
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality. [401 KAR 50:035, Permits, Section 7(1)(d)2 and 401 KAR 50:035, Permits, Section 7(2)(c)]
3. In accordance with the requirements of 401 KAR 50:035, Permits, Section 7(2)(c) the permittee shall allow the Cabinet or authorized representatives to perform the following:
  - a. Enter upon the premises where a source is located or emissions-related activity is conducted, or where records are kept;
  - b. Have access to and copy, at reasonable times, any records required by the permit:
    - i. During normal office hours, and
    - ii. During periods of emergency when prompt access to records is essential to proper assessment by the Cabinet;
  - c. Inspect, at reasonable times, any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit. Reasonable times shall include, but are not limited to the following:
    - i. During all hours of operation at the source,
    - ii. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
    - iii. During an emergency; and
  - d. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements. Reasonable times shall include, but are not limited to the following:
    - i. During all hours of operation at the source,
    - ii. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
    - iii. During an emergency.

4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.

**SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)**

5. Summary reports of any monitoring required by this permit, other than continuous emission monitors, shall be submitted to the division's Owensboro Regional Office at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation.

The reports are due within 30 days after the end of each six-month reporting period that commences on the initial issuance date of this permit. The permittee may shift to semi-annual reporting on a calendar year basis upon approval of the regional office. If calendar year reporting is approved, the semi-annual reports are due January 30th and July 30th of each year. Data from the continuous emission monitors shall be reported to the Technical Services Branch in accordance with the requirements of 401 KAR 59:005, General Provisions, Section 3(3). All reports shall be certified by a responsible official pursuant to Section 6(1) of 401 KAR 50:035, Permits. All deviations from permit requirements shall be clearly identified in the reports.

6.
  - a. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Division for Air Quality's Owensboro Regional Office concerning startups, shutdowns, or malfunctions as follows:
    1. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
    2. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.
  - b. In accordance with the provisions of 401 KAR 50:035, Section 7(1)(e)2, the owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by general condition 6 a. above) to the Division for Air Quality's Owensboro Regional Office within *30 days*. Other deviations from permit requirements shall be included in the semiannual report required by general condition F.5.

## **SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)**

7. Pursuant to 401 KAR 50:035, Permits, Section 7(2)(b), the permittee shall certify compliance with the terms and conditions contained in this permit, annually on the permit issuance anniversary date or by January 30th of each year if calendar year reporting is approved by the regional office, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an approved alternative) to the Division for Air Quality's Owensboro Regional Office and if requested to the U.S. EPA in accordance with the following requirements:
- a. Identification of each term or condition of the permit that is the basis of the certification;
  - b. The compliance status regarding each term or condition of the permit;
  - c. Whether compliance was continuous or intermittent; and
  - d. The method used for determining the compliance status for the source, currently and over the reporting period, pursuant to 401 KAR 50:035, Section 7(1)(c),(d), and (e).
  - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.
  - f. The certification shall be postmarked by the thirtieth (30) day following the applicable permit issuance anniversary date, or by January 30th of each year if calendar year reporting is approved by the regional office. **Annual compliance certifications should be mailed to the following addresses:**

**Division for Air Quality  
Central Files  
803 Schenkel Lane  
Frankfort, KY 40601**

**Owensboro Regional Office  
3032 Alvey Park Drive W  
Owensboro, KY 42303**

8. In accordance with 401 KAR 50:035, Section 23, the permittee shall provide the division with all information necessary to determine its subject emissions within thirty (30) days of the date the KEIS emission report is mailed to the permittee.
9. Pursuant to Section VII.3 of the policy manual of the Division for Air Quality as referenced by 401 KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the division by the source or its representative within forty-five days after the completion of the fieldwork.



## SECTION G - GENERAL CONDITIONS

### (a) General Compliance Requirements

1. The permittee shall comply with all conditions of this permit. A noncompliance shall be (a) violation(s) of 401 KAR 50:035, Permits, Section 7(3)(d) and is also a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) and is grounds for enforcement action including but not limited to the termination, revocation and reissuance, or revision of this permit.
2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition.
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause. The permit will be reopened for cause and revised accordingly under the following circumstances:
  - a. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 50:035, Section 12(2)(c);
  - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
  - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish to the division, in writing, information that the division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. [401 KAR 50:035, Permits, Section 7(2)(b)3e and 401 KAR 50:035, Permits, Section 7(3)(j)]
5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority.

**SECTION G - GENERAL CONDITIONS (CONTINUED)**

6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit. [401 KAR 50:035, Permits, Section 7(3)(k)]
7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance. [401 KAR 50:035, Permits, Section 7(3)(e)]
8. Except as identified as state-origin requirements in this permit, all terms and conditions contained herein shall be enforceable by the United States Environmental Protection Agency and citizens of the United States.
9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6). [401 KAR 50:035, Permits, Section 7(3)(h)]
10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance. [401 KAR 50:035, Permits, Section 8(3)(b)]
11. This permit shall not convey property rights or exclusive privileges. [401 KAR 50:035, Permits, Section 7 (3)(g)]
12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry. [401 KAR 50:035, Permits, Section 7(2)(b)5]
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders. [401 KAR 50:035, Permits, Section 8(3)(a)]
15. Permit Shield: Except as provided in 401 KAR 50:035, Permits, compliance by the affected facilities listed herein with the conditions of this permit shall be deemed to be compliance with all applicable requirements identified in this permit as of the date of issuance of this permit.
16. All previously issued construction and operating permits are hereby subsumed into this permit.

**SECTION G - GENERAL CONDITIONS (CONTINUED)****(b) Permit Expiration and Reapplication Requirements**

This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the division. [401 KAR 50:035, Permits, Section 12] (*The five year term is based on the original issued date.*)

**(c) Permit Revisions**

1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 50:035, Section 15.
2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority thirty (30) days in advance of the transfer.

**(e) Acid Rain Program Requirements**

1. If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable. **[All Permits]**

**(f) Emergency Provisions**

1. An emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:

**SECTION G - GENERAL CONDITIONS (CONTINUED)**

- a. An emergency occurred and the permittee can identify the cause of the emergency;
  - b. The permitted facility was at the time being properly operated;
  - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,
  - d. The permittee notified the division as promptly as possible and submitted written notice of the emergency to the division within two working days after the time when emission limitations were exceeded due to the emergency. The notice shall meet the requirements of 401 KAR 50:035, Permits, Section 7(1)(e)2, and include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken. This requirement does not relieve the source of any other local, state or federal notification requirements.
2. Emergency conditions listed in General Condition (f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement.
  3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof. [401 KAR 50:035, Permits, Section 9(3)]

(g) Risk Management Provisions

1. The permittee shall comply with all applicable requirements of 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:  
**RMP Reporting Center**  
**P.O. Box 3346**  
**Merrifield, VA, 22116-3346**
2. If requested, submit additional relevant information to the division or the U.S. EPA.

(h) Ozone depleting substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
  - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
  - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
  - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
  - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR

82.166.

- e. Persons owning commercial or industrial process refrigeration equipment shall

**SECTION G - GENERAL CONDITIONS (CONTINUED)**

comply with the leak repair requirements pursuant to 40 CFR 82.156.

- f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.

- 2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

**SECTION H - ALTERNATE OPERATING SCENARIOS**

**N/A**

**SECTION I - COMPLIANCE SCHEDULE**

**N/A**